



JON M. HUNTSMAN, JR.
Governor

GARY R. HERBERT
Lieutenant Governor

State of Utah

DEPARTMENT OF NATURAL RESOURCES

MICHAEL R. STYLER
Executive Director

Division of Water Rights

BOYD P. CLAYTON
Interim State Engineer

January 22, 2009

Clint Aston, Water Commissioner
Summit Creek Distribution System
PO Box 35
Weston ID 83286

Re: Waiver - Compliance with Administrative Rule R655-15

Dear Clint:

It has come to our attention that, as a result of your residence in Idaho, you do not comply with Section R655-15-7(1)(k), which states:

An applicant for the position of Water Commissioner shall, at a minimum hold a valid Utah Drivers License.

The intent of the administrative rule was never to establish a residency requirement for the position of Water Commissioner but to ensure that the Water Commissioner held a valid drivers license that would allow him or her to operate a vehicle in the state of Utah.

The fact that you do not hold a Utah drivers license is merely a technicality and not a conflict of interest because it does not affect your ability or your judgment in distributing and regulating water within the Summit Creek Distribution System.

The Division of Water Rights will amend the language of the portion of the administrative rule cited above to conform it to the actual intent of the rule. **In the interim, and until the rule is amended, you are hereby granted a waiver from the requirement of this portion of the administrative rule.** This waiver is granted under authority of R655-15-3 (2) and (3).

We appreciate the integrity with which you have fulfilled the responsibilities of the water commissioner position and express our confidence in your ability to continue to meet those responsibilities.

If you have any questions concerning this letter, please contact me by phone at 801-538-7380 or by e-mail at LeeSim@utah.gov.

Sincerely,

Lee H. Sim, P.E.

Assistant State Engineer for Field Services

cc: Will Atkin, Regional Engineer
Jeff Gittens, Chairman
Mike Oliverson, Committee

Vance Twitchell, Distribution Engineer
Dave Erickson, Committee
Mike Gronig, Committee

